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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

February 28, 2005

Commissioner For Patents
Office of Initial Patent Examination
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Our File: SPINE 3.0-437 CIP CIP CIP CIP CIP CIP CIP II CIP CONT
Appln. No. 10/783,152
Filing Date: February 20, 2004
Group Art Unit: 3738

Dear Sir:

We are enclosing herewith copies of the updated filing receipt, pages 2-3 of a Preliminary Amendment filed June 2, 2004, and a Request for Corrected Filing Receipt filed May 27, 2004 for the above-identified patent application.

Please note that the section entitled "*Domestic Priority Data as Claimed by Applicant*" should read exactly as follows:

--This application is a CIP of 10/425,267 04/29/2003
which is a CIP of 10/282,356 10/29/2002
which is a CIP of 10/256,160 09/26/2002
which is a CIP of 10/175,417 06/19/2002
which is a CIP of 10/151,280 05/20/2002
which is a CIP of 09/970,479 10/04/2001 PAT 6,669,730
and is a CIP of 10/140,153 05/07/2002
and said 09/970,479 10/04/2001
is a CIP of 09/968,046 10/01/2001 ABN
and said 10/140,153 05/07/2002
is a CIP of 09/970,479 10/04/2001 PAT 6,669,730
and is a CIP of 10/128,619 04/23/2002
which is a CIP of 09/906,119 07/16/2001 PAT 6,607,559
and is a CIP of 09/982,148 10/18/2001 PAT 6,673,113--

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Commissioner For Patents
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February 28, 2005
Appln. No. 10/783,152
Page 2

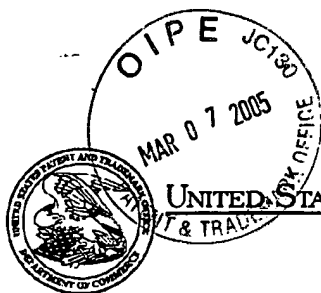
Kindly issue a corrected filing receipt for the above-identified application as soon as possible.

Sincerely yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

ARNOLD H. KRUMHOLZ
Reg. No. 25,428

AHK/l
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/783,152	02/20/2004	3738	920	532/7X2	12	17	3

00530

LERNER, DAVID, LITTENBERG,
 KRUMHOLZ & MENTLIK
 600 SOUTH AVENUE WEST
 WESTFIELD, NJ 07090

Spine 3.0-437
 P P P P P P P I I C I P C O N

CONFIRMATION NO. 7040

UPDATED FILING RECEIPT



OC000000015183015

Date Mailed: 02/15/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Rafail Zubok, Midland Park, NJ;
 Michael W. Dudasik, Nutley, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 00530.

Domestic Priority data as claimed by applicant

This application is a CON of 10/782,981 02/20/2004
 which is a CIP of 10/425,267 04/29/2003
 which is a CIP of 10/282,356 10/29/2002
 which is a CIP of 10/256,160 09/26/2002
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 is a CIP of 10/128,619 04/23/2002
 which is a CIP of 09/906,119 07/16/2001 PAT 6,607,559

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FEB 10 2005

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Foreign Applications

If Required, Foreign Filing License Granted: 05/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/783,152**

Projected Publication Date: 05/26/2005

Non-Publication Request: No

Early Publication Request: No

Title

Parallel distractor and related methods for use in implanting an artificial intervertebral disc

Preliminary Class

623

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



IN THE SPECIFICATION

Please delete the first paragraph under the section entitled "Cross-Reference To Related Applications," and insert the following paragraph:

The present application is a continuation of United States Patent Application Serial No. 10/782,981, filed February 20, 2004 contemporaneously herewith, entitled "Wedge Ramp Distractor and Related Methods for Use in Implanting Artificial Intervertebral Discs", which is a continuation-in-part application of United States Patent Application Serial No. 10/425,267 (filed April 29, 2003) entitled "Wedge Plate Insertor/Impactor and Related Methods for Use in Implanting an Artificial Intervertebral Disc", which is a continuation-in-part application of U.S. Patent Application 10/282,356 (filed October 29, 2002) entitled "Instrumentation and Methods For Use In Implanting an Artificial Intervertebral Disc", which is a continuation-in-part application of U.S. Patent Application Serial Number 10/256,160 (filed September 26, 2002) entitled "Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket Joint With a Solid Ball and Compression Locking Post", which is a continuation-in-part application of U.S. Patent Application Serial Number 10/175,417 (filed June 19, 2002) entitled "Artificial Intervertebral Disc Utilizing a Ball Joint Coupling", which is a continuation-in-part application of U.S. Patent Application Serial Number 10/151,280 (filed May 20, 2002) entitled "Tension Bearing Artificial Disc Providing a Centroid of Motion Centrally Located Within an Intervertebral Space", which is a continuation-in-part application of both U.S. Patent Number 6,669,730 entitled "Intervertebral Spacer Device Utilizing a Spirally Slotted Belleville Washer Having Radially Extending Grooves" as well as U.S. Patent Application Serial Number 10/140,153 (filed May 7, 2002) entitled "Artificial

Intervertebral Disc Having a Flexible Wire Mesh Vertebral Body Contact Element”, the former being a continuation-in-part application of U.S. Patent Application Serial Number 09/968,046 (filed October 1, 2001, now abandoned) entitled “Intervertebral Spacer Device Utilizing a Belleville Washer Having Radially Extending Grooves” and the latter being a continuation-in-part application of both U.S. Patent Number 6,669,730 as well as U.S. Patent Application Serial Number 10/128,619 (filed April 23, 2002) entitled “Intervertebral Spacer Having a Flexible Wire Mesh Vertebral Body Contact Element”, which is a continuation-in-part application of both U.S. Patent Number 6,607,559 entitled “Trial Intervertebral Distraction Spacers” as well as U.S. Patent Number 6,673,113 entitled “Intervertebral Spacer Device Having Arch Shaped Spring Elements”. All of the above mentioned applications are hereby incorporated by reference herein in their respective entireties.



Attorney Docket No.: 532/7X2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rafail Zubok et al.

Group Art Unit: 3738

Application No.: 10/783,152

Examiner: Not Yet Assigned

Filing Date: February 20, 2004

For: Parallel Distractor And Related Methods For
Use In Implanting An Artificial Intervertebral
Disc

Office of Initial Patent Examination's
Filing Receipt Corrections
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Kindly issue a new Filing Receipt regarding the above-identified patent application making the following corrections:

Under the "Domestic Priority data as claimed by applicant," please delete the information listed and insert the following:

This application is a CON of 10/782,981 02/20/2004
which is a CIP of 10/425,267 04/29/2003
which is a CIP of 10/282,356 10/29/2002
which is a CIP of 10/256,160 09/26/2002
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which is a CIP of 10/151,280 05/20/2002
which is a CIP of U.S. 6,669,730 and 10/140,153 05/07/02
09/970,479 being a CIP of 09/968,046 10/01/2001 (now abandoned)
10/140,153 being a CIP of U.S. 6,669,730 and 10/128,619 04/23/2002
which is a CIP of U.S. 6,607,559 and U.S. 6,673,113.

I hereby certify that this correspondence is being faxed to 703 746-9195, addressed to the Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 27, 2004

Signature: 

Print Name: Matthew B. Dernier


Appln. No. 10/783,152

Attorney Docket No.: 532/7X2

A copy of the Filing Receipt with the changes noted is attached hereto. Thank you for your attention to this matter.

Dated: May 27, 2004

Respectfully submitted,

By 
Matthew B. Dernier
Registration No.: 40,989
KAPLAN & GILMAN, L.L.P.
900 Route 9 North, Suite 104
Woodbridge, New Jersey 07095
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Attorneys for Applicant

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